

Bill No. 4 of 1955

(Second Session)

A BILL RESPECTING THE MARKETING OF
AGRICULTURAL PRODUCTS

NOTE

This Bill enacts a new Act to be entitled "*The Marketing of Agricultural Products Act.*"

The purpose and intent of the Act is to provide for the promotion, control and regulation of the marketing of poultry, poultry products, hogs, vegetables, honey, cheese, commercial grass or legume seed within the Province.

A commodity producer marketing board known as a "producer board" may be constituted by the Lieutenant Governor in Council upon the establishment of a plan for the control and regulation, within any area of the Province, of the marketing of any agricultural product designated in the order of the Lieutenant Governor in Council. A plan does not become operative until it has been approved by a majority of the persons engaged in the production of the agricultural product within the area to which the plan relates.

In addition, there is provision for co-operation with the Government of Canada in respect of the marketing of agricultural products within Alberta.

The Minister of Agriculture is to administer this Act.

The Agricultural Products Marketing Act (chapter 2 of the Statutes of Alberta, 1949), which has not to date been proclaimed in force, is repealed by this Act.

This Bill comes into force upon assent.

J. W. RYAN,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 4 of 1955
(Second Session)

An Act respecting the Marketing of Agricultural Products
(Assented to _____, 1955)

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Alberta,
enacts as follows:

1. This Act may be cited as "*The Marketing of Agricultural Products Act*". Short title

Interpretation

2. In this Act,
- (a) "agricultural product" means any poultry, poultry products, hogs, vegetables, honey, cheese, commercial grass and legume seed; Interpretation "agricultural product"
 - (b) "Canada Act" means the *Agricultural Products Marketing Act* (Canada), and all amendments thereto or any Act passed by the parliament of Canada in substitution therefor; Canada Act
 - (c) "Canada Board" means the Governor in Council; "Canada Board"
 - (d) "dealer" means a person who on his own account buys and sells agricultural products but does not include a person who retails agricultural products to consumers exclusively; "dealer"
 - (e) "designated agency" means an agency designated by a producer board as the agency by or through which a regulated product is to be marketed; "designated agency"
 - (f) "marketing" includes buying, owning, selling, storing, offering for sale, shipping for sale or storage, advertising, financing, assembling, packing, or processing and includes transportation in any manner by any person; "marketing"
 - (g) "producer board" means any commodity producer marketing board constituted pursuant to this Act by the Lieutenant Governor in Council, to administer any plan drawn up under this Act in respect of any designated agricultural product; "producer board"
 - (h) "regulated product" means any agricultural product the regulation and marketing of which is provided for in any plan approved or established under this Act; "regulated product"
 - (i) "regulations" means regulations made pursuant to this Act. "regulations"

Appointment of Officers

3. The Lieutenant Governor in Council may appoint such advisory committees, officers, clerks and servants as are necessary for administering this Act and the regulations, and may fix their remuneration.

Appointment
of officers

Marketing Plans and Boards

4. The purpose and intent of this Act is to provide for the promotion, control and regulation, in any or all aspects, of the marketing of agricultural products within the Province.

Purpose and
intent of Act

5. (1) Subject to section 6, the Lieutenant Governor in Council by order may

Establish-
ment of
plans and
boards

(a) upon request, establish plans for the control and regulation within the Province of the marketing of any agricultural product designated in the order, and

(b) constitute commodity producer marketing boards to administer such plans and vest in those boards respectively any powers considered necessary or advisable to enable them effectively to control and regulate the marketing of the designated agricultural products within the Province.

(2) A plan may relate to the whole of the Province or to any area within the Province and may relate to a designated agricultural product or to any grade or class thereof.

(3) The method by which the members of any commodity producer marketing board are to be chosen may be set out in any plan established under this section.

(4) A producer board constituted under this section is a body corporate.

Approval
of plan

6. (1) A plan established under section 5 shall provide that the plan does not become operative in other respects until the plan has by a vote been approved by fifty-one per cent of the persons engaged in the production of a designated agricultural product within the area to which the plan applies.

(2) The Lieutenant Governor in Council may determine the manner in which the vote on the plan is to be taken and may nominate a returning officer to conduct the vote.

Powers
vested in
board

7. Without limiting the generality of any of the other provisions of this Act, the Lieutenant Governor in Council may vest in any producer board any or all of the following powers:

(a) the power to regulate the time and place at which and to designate the agency by or through which any regulated product is to be marketed,

(b) the power to regulate the manner of distribution, the quality and quantity, grade or class of the regulated product that is to be marketed by any designated agency at any time,

- (c) the power to prohibit the acceptance, in whole or in part, by designated agencies, of any grade, quality or class of any regulated product,
- (d) the power to exempt from any regulation, determination or order any person or class of persons engaged in the marketing of the regulated product or any class, variety or grade of the product,
- (e) the power to require any or all persons engaged in the marketing of the regulated product to register with and obtain a licence from the board and provide such guarantees of financial responsibility as may be deemed necessary,
- (f) the power to require those engaged in the production or marketing of the regulated product to register their names and addresses with the board,
- (g) the power to require the necessary statistical information relating to the production and marketing of the regulated product from all persons engaged in any or all phases of marketing,
- (h) the power to require periodic returns to be made by persons engaged in any or all phases of marketing of the regulated product, and to inspect the books and premises of such persons,
- (i) the power to fix and collect yearly, half-yearly, quarterly, or monthly, licence fees from any and all persons engaged in any phase of marketing of the regulated product and for such purpose to classify persons into groups and fix licence fees payable by the members of the different groups in different amounts,
- (j) the power to recover any licence fees by suit in any court of competent jurisdiction and to cancel any licence for violation of any provision of the plan or of any order of any board or any regulations,
- (k) the power
 - (i) to fix prices or maximum or minimum prices, or both, at which the regulated product or any grade, variety or class thereof may be bought or sold, otherwise than by retail to consumers, in the Province or that will be required to be paid for the regulated product by a designated agency,
 - (ii) to fix different prices for different parts of the Province, and
 - (iii) to determine the maximum spread that dealers or any designated agency may add to the price paid by them for the regulated product, or any variety, grade, class or size thereof,
- (l) the power to seize, remove and dispose of any of the regulated products kept or marketed in violation of any order of the board by any designated agency and to retain or otherwise to dispose of the proceeds thereof,
- (m) the power to use, in carrying out the purposes of a plan and in paying the expenses of the board, any

- money received by the board and to impose service charges for services performed by the board,
- (n) the power to conduct pools for the distribution of all moneys received from the marketing of the regulated product and, after deducting all necessary and proper disbursements and expenses, to distribute the proceeds of such marketing in accordance with the plan of distribution determined by the board,
 - (o) the power to establish a fund in connection with any plan of control and regulation and to use the same in such manner as the board may deem necessary or advisable,
 - (p) the power to borrow, raise or secure the payment of money, in such manner as the board may think fit, for the purpose of carrying out the objects of a plan,
 - (q) the power to hypothecate, assign, draw, make, sign, accept, endorse, discount, and issue bills of exchange, cheques and other negotiable and transferable instruments,
 - (r) the power to acquire, hold, mortgage, and dispose of real and personal property,
 - (s) the power to co-operate with a marketing board, a local board or a marketing agency of any other Province for the purpose of marketing any regulated product,
 - (t) the power to make such orders, rules and regulations as are deemed necessary or advisable to control and regulate effectively the marketing of the regulated product.

Termination
of plan

8. (1) After a plan has been established under section 5, persons engaged in the production of the regulated product within the area to which the plan applies may petition the Minister of Agriculture to terminate the plan.

(2) The petition shall be signed by not less than ten per cent of the persons entitled to petition.

Plebiscite

9. Notwithstanding section 8, the Lieutenant Governor in Council may, from time to time and at any time, order that a plebiscite of the persons engaged in the production of the regulated product be held in the area to which a plan relates.

Vote to
terminate
plan

10. (1) Upon receipt of a petition under section 8, or upon an order of the Lieutenant Governor in Council under section 9, the Minister shall cause a plebiscite to be held in the area to which the plan relates and if fifty-one per cent of the persons engaged in the production of the regulated product within that area vote to terminate the plan the Minister may, by order, terminate the plan on a date which may be fixed by the order.

(2) The Lieutenant Governor in Council may make such rules and regulations as may be necessary to settle the assets and affairs of and to wind up any producer board established to operate a plan terminated pursuant to this section.

Co-operation with Canada Board

11. To regulate the marketing of any agricultural product of the Province a producer board may co-operate with the Canada Board and may act conjointly with the Canada Board, and may perform such functions and duties and may exercise such powers as are prescribed by this Act or the regulations. Co-operation with Canada Board

12. With the approval of the Lieutenant Governor in Council a producer board may, with reference to the marketing of a designated agricultural product, perform any function or duty and exercise any power imposed or conferred upon it by or pursuant to the Canada Act. Powers of producer board

13. With the approval of the Lieutenant Governor in Council the Canada Board may in any manner and under any circumstances within provincial jurisdiction exercise any of its powers with reference to the marketing of any agricultural product, to the same extent and with the same effect as if those powers were exercised by it pursuant to the Canada Act with reference to the marketing of that agricultural product. Exercise of powers

Regulations

14. (1) With reference to the marketing of any agricultural product and so far as the same is within provincial jurisdiction, the Lieutenant Governor in Council may make such regulations, and by order vest in a producer board such authorities and powers as are considered necessary or advisable. Vesting of powers

- (a) to carry out the purpose and intent of this Act, or
- (b) to enable a producer board to exercise in co-operation with the Canada Board effective control of the marketing of agricultural products to the full extent intended by this Act and the Canada Act.

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations Regulations

- (a) providing for the appointment of producer boards or agencies within the Province to co-operate with and act as agents of the Canada Board,
- (b) providing for the appointment of producer boards or agencies to exercise within the Province any authority or function that may be conferred on a provincial board under the Canada Act and otherwise to co-operate and act in the administration and carrying out of any plan for the regulation of the marketing of any agricultural product authorized under the Canada Act or this Act,

- (c) approving any plan for the regulation of the marketing of any agricultural product for which the approval of the Lieutenant Governor in Council is necessary for any purpose of the Canada Act,
- (d) authorizing and giving effect to any plan for the regulation of the marketing within the Province of any agricultural product,
- (e) providing for the submission of any plan for the regulation of the marketing of any agricultural product to a plebiscite within the area of the Province covered by the plan,
- (f) providing for the termination and annulment of any approval given or plan authorized by the Lieutenant Governor in Council under this Act, and the disposition of the assets of any producer board whose appointment or authority is annulled, and
- (g) authorizing a producer board to appoint officers and agents, to prescribe their duties, fix their remuneration and provide for the payment thereof.

General

General regulations

15. Any approval that the Lieutenant Governor in Council is authorized or required to give for any purpose of this Act may be given by general regulations applicable to all cases or any class or classes of cases, or by special order in any particular case.

Powers of producer board restricted

16. (1) Nothing in this Act shall be deemed to authorize a producer board or agency to restrict, prohibit or limit the production of any agricultural product.

(2) No producer board shall, in the exercise of its functions under this Act, discriminate against any producer to the unjust advantage of any other producer or producers.

(3) Where a designated agency refuses to accept a regulated product for marketing, the producer thereof may market the refused product in any manner he sees fit to do so, if the marketing or the manner thereof is not prohibited by or pursuant to any other statute of the Province.

General penalty

17. Every person who fails to comply with any determination, regulation or order of a producer board or any regulations, is guilty of an offence and, if no other penalty is provided, is liable upon summary conviction to a fine of not more than one thousand dollars and, in default of payment thereof, to a term of imprisonment not exceeding three months.

Appropriation

18. All moneys necessary to pay the remuneration of the members of advisory committees appointed under section 3 and to meet the expenses necessarily incurred in carrying out this Act shall be paid out of moneys appropriated by the Legislature for that purpose.

19. (1) The purpose and intent of the Legislature is to confine the provisions of this Act within the competence of the Legislature, and all the provisions of this Act shall be construed so as to give effect to this purpose and intent. Construction of Act

(2) If any provision or section is held or found to be beyond the powers of the Province, such provision or section so far as it deals with matters within the competence of the Legislature, shall be held to stand and be valid and operative, and have the same effect as if the provision or section had dealt with such matters exclusively, and the remaining provisions and sections of this Act shall not be deemed or held to be inoperative or *ultra vires*, but shall be held to stand and be valid and operative, and have the same effect as if they had been originally enacted as separate and independent enactments and as the only provisions of this Act, and all the provisions of the Act that are within the powers of the Province remain in full force and effect notwithstanding that some provisions are held to be *ultra vires*, the intention of the Legislature being to give separate and independent effect to the extent of its powers to every enactment and provision contained in this Act. Provisions beyond powers of Province

20. A copy of any rule, order, regulation, resolution, determination, minute or direction of a producer board constituted under this Act, certified by a member of such board or the secretary thereof as a true copy, shall without proof of the signature of the person signing the certificate, be taken in all cases in lieu of the original rule, regulation, resolution, determination, minute, order or direction and is admissible as evidence thereof in all courts of the Province. Evidence

21. The Minister of Agriculture is charged with the administration of this Act. Administration

22. *The Agricultural Products Marketing Act*, being chapter 2 of the Statutes of Alberta, 1949, is hereby repealed. Repeal

23. This Act comes into force on the day upon which it is assented to. Coming into force

FIRST SESSION
THIRTEENTH LEGISLATURE
4 ELIZABETH II
1955
(Second Session)

BILL

A Bill respecting The Marketing of
Agricultural Products

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HALMRAST
